GOVERNMENT OF INDIA
FINANCE
LOK SABHA

UNSTARRED QUESTION NO:2396
ANSWERED ON:11.03.2016
Insurance Claims
Kaswan Shri Rahul;Reddy Shri A.P. Jithender

Will the Minister of FINANCE be pleased to state:

(a) the rules and guidelines governing medical negligence and facilitating/rejecting insurance claims;
(b) whether the Government maintains any data regarding number of such cases reported, if so, the details thereof;
(c) whether the Government is considering to introduce a new law to comprehensively address medical negligence cases with a view to balance the interests of consumers as well as the medical community; and
(d) if so, the details thereof along with the steps taken/being taken by the Government in this regard?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE

(a) to (d): As per information provided by Ministry of Health & Family Welfare, Medical Council of India (MCI) or the appropriate State Medical Councils have been empowered to take disciplinary action against a doctor for violation of the provisions of Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations 2002 including cases of medical negligence . MCI is an appellate authority in such matters. MCI has received 27 number of appeals on medical negligence during the period of 01.01.2014 to 31.12.2015, of which, 13 have been decided by it. As and when complaints are received against the violation of code of ethics for doctors (including allegation of medical negligence), such complaints are referred by MCI to the concerned State Medical Councils where the doctors/medical practitioners are registered for appropriate action. The Consumer Protection Act also covers medical negligence on the part of medical practitioners, and complaints related to medical negligence can be filed in the District/State/National Consumer Disputes Redressal Forum under the Consumer Protection Act.
As per Insurance Regulatory and Development Authority of India (IRDAI), the rules and the guidelines governing the procedure for insurance claims in cases of medical negligence are part of the policy contract. However, no centralized data in respect of number of claims made and settled is maintained by IRDAI.
The Professional Indemnity Policy for Doctors and Medical Practitioners as well as the Professional Indemnity Policy for Medical Establishments are liability policies which cover the claims arising out of losses and/or damages due to any breach of professional duty by reason of any negligent act, error or omission, whenever and wherever committed or alleged to have been committed during the period of insurance.

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